

SECTION 12.10 MANAGEMENT RIGHTS

Last Update: 5/11

General

Management representatives have retained all management rights provided by law in addition to those enumerated in Article III and elsewhere throughout the agreements. Management rights are found in Article III of all the agreements and are a restatement of the rights found in Iowa Code Section 20.7.

There have been several misconceptions on the part of employees dealing with management's right to direct the work of its employees. In that respect, several points must be made. First, management has the exclusive right to make work assignments. Seniority provisions (Article V) have no application to the assignment of work. Any statement by an employee to the effect that his or her seniority precludes certain work assignments or requires that he or she be assigned certain work is clearly incorrect. If the employee refuses to do the work assigned, disciplinary action is appropriate. Second, there is no such thing as exclusive bargaining unit work. That is, supervisors may do the work of their subordinates, or employees outside a bargaining unit. Objections to the performance of assigned work on this basis are incorrect.

A supervisor's right to supervise has been modified by the collective bargaining agreements in only a very few areas, e.g., transfer by seniority; but even in these instances, supervisors have options if good supervisory skills have been exercised, especially through documentation and performance evaluation.

Supervisory Responsibilities

Supervisors have the right to assign, or reassign, or change an employee's work responsibilities, hours of work, and work location; to reallocate, reassign, or transfer positions; to discipline for just cause; or lay off employees. Contractual language includes many other areas where supervisors must exercise decision-making responsibilities. It is important that these rights be exercised with good judgment, common sense, even-handedness, and sound reasoning. The efficiency and overall ability of the State to conduct its essential operations will be the primary basis upon which supervisory decisions are made.

Supervisors must be knowledgeable of contractual provisions, DAS-HRE rules, and individual department policies. They must have an understanding of how these regulations work together to ensure the rights of employees and management.